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SUPREME COURT, U. S.

No. 1261

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

DONALD E. SULLINS, *Petitioner*

v.

CALIFORNIA

MOTION OF THE AMERICAN NATURAL HYGIENE SOCIETY, INC., FOR LEAVE TO FILE BRIEF AMICUS CURIAE IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEALS, FOURTH APPELLATE DISTRICT, STATE OF CALIFORNIA

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PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

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1. The petition in the above-captioned matter was filed on behalf of Donald E. Sullins who was convicted in the death of his infant daughter for failing to take her to an allopathic physician but instead treating her according to the dictates of a dissident healing art in which he believed.

2. As is more fully developed in the attached brief, this Society represents many tens of thousands of per-

sons who believe in dissident healing arts. This case affects all of them in their right to choose a healing art for themselves and their families. This brief amicus is filed to present the views of these interested persons.

3. The Attorney General's office of the State of California was requested to stipulate to the filing of this brief amicus without motion. This request was denied. It is therefore necessary to present this motion.

Respectfully submitted,

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1. The American Natural Hygiene Society, Inc., a non-profit corporation organized under the laws of the District of Columbia, has many thousands of members throughout the United States who believe in the maintenance of health through natural means. The emphasis is placed on prevention: an ounce of preservation is worth more than a pound of restoration. Natural hygiene encourages the maintenance of all conditions of health and the avoidance of all causes of impaired

health. The means of natural hygiene must be adapted to the needs and capacities and conditions of the individual, in sickness and in health. Natural hygiene thus seeks to restore normal functioning power by the judicious employment of the normal elements of health, such as an abundance of pure air, adequate amounts of sunshine, wholesome natural foods (except where the condition of the body requires abstinence from food for its survival), pure soft water, elimination of such protoplasmic poisons which are toxic to the body structure. In addition the Society encourages physical exercise, sufficient amount of physiological rest and sleep, mental balance, emotional poise, and the avoidance of excesses and deficiences. Natural hygiene contends that ills cannot be cut away by surgery, sweated or massaged out, or pulled or twisted out, or electrically shocked out of minds. It believes that there are no substitutes for obedience to the laws of life and to the laws of nature. The Society concedes the existence of malfunction or non-function of specific organs, resulting in such diseases as diabetes, and will concede that under such circumstances, in the absence of such natural secretion as insulin, the need must be met by the use of a product chemically or synthetically produced and introduced into the body. However, these are limited areas and the Society opposes the broadscale use of drugs that poison rather than, or as well as, cure.

2. This brief amicus is filed not to duplicate what is contained in the petition for a writ of certiorari filed in this case, but to support and supplement that petition by urging that the import of the issues in this case far transcend the petitioner, Donald E. Sullins, and concern all Americans who desire that the freedom

to choose be available in fact as well as in well-touted theory. Mr. Sullins is not alone in his desire to avoid being subjected to toxins that are artificially injected, poured, or ingested into so many of our bodies. There are hundreds of thousands of Americans who have chosen not to practice allopathic medicine as advocated by the American Medical Association, but instead to practice on themselves and their families healing arts that they believe to be more efficacious.

Allopathic medicine preaches that all can be cured by ingestion of drugs and by the knife. When one set of drugs does not work, they have another set ready to be offered. When those that have been on the market for a time are exhausted, experimental drugs are tried, often without even advising the patient. From newspaper accounts and congressional hearings we know too that often these doctors are paid by drug companies to experiment on their patients, that often drugs are released for experimentation or general use without adequate testing, and that often drugs long on the market are pulled back or restricted because of the harm they are causing. Many Americans choose not to be subjected to such experimentation with toxins. It is this right to choose that is the central core of this case.

It is a right to choose, moreover, that is affirmative as well as negative. Our country has many healing arts in addition to allopathic medicine. There are practitioners of homeopathic medicine, osteopathy, chiropractic, naturopathy, and naprapathy among others. Each believes and advocates its own system. Some believe in certain small doses of proven drugs for specific ills. Others believe that all drugs are harmful. Some place emphasis on manipulation to

relieve pressures. Others do not place much faith in manipulation. Some believe in fasting as a curative practice. Others do not advocate fasting. Some place stronger emphasis than do others on diet control and exercise. But whatever their differences they present one thing in common: a choice from the healing art practiced by a majority of Americans.

The practitioners of these non-majority healing arts do not demand that all Americans follow their beliefs. But neither do they believe that they should be forced to follow the dictates of any other healing art or suffer the consequences. They desire and stand for the freedom to choose. That is what this case is about and that is why its significance far transcends the petitioner Donald E. Sullins.

Mr. Sullins was accused and convicted of a crime because he refused to follow the recognized majority healing art. He refused to take his child whom all admit he loved dearly to an allopathic physician for treatment with what he considered toxins. He knew of the damage that these toxins can cause and do cause. He was aware from personal experience and from newspaper and magazine accounts. He chose to follow the beliefs of another healing art in doing what he—the father charged with the responsibility—considered best for the daughter he loved. He is charged with a crime because, despite the best he could do, she died. This is a doctrine not applied to allopathic medicine. No one suggests that an allopathic physician or a parent who believes in allopathic medicine should be placed in the criminal dock when, despite their best efforts, the patient dies. Providing such consequences to the dissident healing arts removes the right to dissent. That is what this case is about.

For these reasons it is respectfully urged that this Court grant the petition for a writ of certiorari filed in this case.

Respectfully submitted,

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